



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 068 10

ZONING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

MINUTES JANUARY 10, 2006

=====

The meeting was called to order by Chairman Jack Knapp at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah (arrived at 7:34 PM), Theodore Haddad Jr., Helen Hoffstaetter, Jack H. Knapp, Robert Melillo, and Alternates Jean Anderson, Victoria Hickey and Joseph Notaro, Jr.

Absent were Richard P. Jowdy and Donald Kennedy.

Chairman Knapp asked Mrs. Anderson to take Mr. Jowdy's place and Ms. Hickey to take Mr. Kennedy's place for the items on tonight's agenda.

Mr. Melillo led the Commission in the Pledge of Allegiance.

Ms. Hoffstaetter made a motion to accept the minutes of December 13, 2005. Mr. Melillo seconded the motion and it was passed unanimously by voice vote.

Chairman Knapp announced that the following matter which was scheduled for public hearing this evening has been withdrawn: Petition of Woodland Group II, LLC, Saw Mill Rd. & 13-37 Old Ridgebury Rd. (#A16002 & #C16012) to Amend the Revised Master Plan for Planned Neighborhood Development ("The Reserve") originally approved on 11/26/02 and amended 9/28/04.

=====

PUBLIC HEARING:

7:30 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Section 5.G.6. of the Zoning Regulations. (Delete Location Requirement for Campus Research Park)

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Commission recommendation which was positive.

Dennis Elpern spoke in favor of this petition. He reviewed the purpose and intent of the zone saying this is a mixed use (business/educational) zone. He said when these Regulations were written, it seemed reasonable to suggest the site be located adjacent to a college or university. Since the CRP regulations became effective, there has been one petition to rezone to the CRP zone. Actually, there were two petitions and then were withdrawn. Two problems arose as

result of the hearings for those two petitions. It became evident that the subject property was the only site that abutted WCSU that was suitable for this kind of development. This put the City in the position where we had a zone that only applied to one property and that smacks of special interest zoning and we do not want to give that intent. Also if the Commission liked the concept but not this parcel, the Regulations would prevent it from being located anywhere else in the City. The removal this section means that other property owners could come in and apply for this now, besides Mr. Salame. Chairman Knapp asked the minimum size of the parcel for CRP and Mr. Elpern said 10 acres. Before asking for questions, he reminded everyone that this is not about the Salame application, so that should not be discussed.

Chairman Knapp asked if there was anyone to speak in opposition to this and several people came forward.

John Dobeck, 4 College Park Drive, said he is not for or against but needs clarity. He asked if this change would also remove the required 100 ft. buffer between CRP and residential. Mr. Elpern said all this new language would do is eliminate the requirement regarding proximity to a college or university, no change to the buffer requirement.

Jamie Kennedy, 24 Crestdale Dr., asked if there are other parcels within the City that would possibly qualify for the CRP zoning. Mr. Elpern said there are, but they would still have to come in for a re-zoning.

Helen Wichers, 3 Crestdale Dr., said she is not opposed, but wants to know how much protection the abutting residential land gets. Chairman Knapp said the criteria has already been set, it is in the Regulations: minimum lot size of 10 acres with a 100 foot buffer. Mrs. Wichers said it is not fair to the homeowners. Mr. Elpern said this amendment does not affect any perimeter or setback regulations, they are already in place. He reiterated that all this new language would do is eliminate the requirement regarding proximity to a college or university, nothing else.

Chairman Knapp asked if there was anyone else to speak in opposition to this and there was no one.

Mr. DiCaprio made a motion to close the public hearing. Mr. Farah seconded the motion. Ms. Hoffstaetter made a motion to move this matter to item one under the Old Business on tonight's agenda. Mr. DiCaprio seconded this motion.

=====

NEW BUSINESS:

- 1) ZBA Referral #05-94 – Peter & Jill Scalera, 12 Bates Place (#I13276), Secs. 4.D.2.a. & 9.C.1.a., Use Variance to change from one non-conforming use to a different non-conforming use; and to eliminate the stipulation that the apartment must be owner-occupied. (RH-3 Zone) *ZBA public hearing scheduled for January 12, 2006.*

This property is the site of the former Ziegler carpet. They had applied for a Use Variance to change to a different non-conforming use during this past summer but that was denied. This request is similar in nature but also wants to allow the apartment to be rented to someone not involved in the (on-premises) business. The original variance was granted that way so as to discourage the absentee landlord situation both with the business and the apartment. The Planning Commission gave this a negative recommendation because there is no hardship.

Mr. DiCaprio said although he has not visited the property, the Commission feels pretty strongly about changes to an existing non-conforming use. He then made a motion to give this a negative recommendation for the following reasons:

- It is not good zoning practice to encourage non-conforming uses and there has been no hardship shown.

Ms. Hoffstaetter seconded the motion. Mr. Haddad suggested adding to the reason that we don't want to encourage non conforming uses. The motion and the second were amended to include that reason. Chairman Knapp called a roll call vote and the motion was passed unanimously.

=====

OLD BUSINESS:

- 1) Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Section 5.G.6. of the Zoning Regulations. (Delete Location Requirement for Campus Research Park)

Chairman Knapp said they had closed the public hearing earlier this evening. He asked for a motion and/or discussion.

Ms. Hoffstaetter made a motion to approve this petition for the following reasons:

- This amendment will expand the amount of land available for use as a campus research park.

Mr. DiCaprio seconded the motion and added the reason that the existing language may be interpreted as special interest zoning and we don't want to give that intent.

Chairman Knapp called a roll call vote and the motion was passed unanimously.

=====

There were two Cease & Desist Orders listed under the Correspondence and under For Reference Only was a reminder of the Land Use Law and FOI Seminars scheduled for January 19, 2006.

At 8:15 PM, Mr. Melillo made a motion to adjourn. The motion was seconded by Mr. Farah.